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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,743	02/12/2002	Scott Brenner	007412.00091	1522
71867 7590 11/16/2009 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/074,743

Applicant(s)

BRENNER ET AL.

Examiner

ANNAN Q. SHANG

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-57 and 59-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-57 and 59-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 49-57 and 59-72, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yeo et al (6,219,837)** and further in view of **Lawler et al (6,868,551)**.

As to claim 49, note the **Yeo** reference figures 1-4, discloses summary frames in video and further discloses in a system for broadcasting video programs to a user including a display, a method of providing a synopsis for a program, the method comprising:

Receiving a channel selection at a controller (Controller or Processor of TV Receiver or Set 14) during transmission of the program (figs.1-4);

Receiving a request (interacts shots, key frame or hyperlinks on the display) for the synopsis of the program during transmission of the program; upon receipt of the request for the synopsis, identifying a portion of the program that has been transmitted as of an identified clock time; and receiving the synopsis of the program from a beginning of the program transmission until the identified clock time (figs.1-4, col.1, line 47-col.2, line 27, col.3, line 23-col.4, line 4, line 28-col.5, line 5 and col.7, lines 19-43), **Yeo** further discloses where the synopsis is provided via a second channel, presented in a fast forward mode, where the program is a sporting event and includes highlights

from a number of predefined highlights (col.1, line 47-col.2, line 27, col.3, line 23-col.4, line 4, line 28-col.5, line 5 and col.7, lines 19-43), note Yeo discloses transmitting live and pre-recorded programs and further disclose that when a user selects a channel of a current broadcast program in progress, the user is presented with a menu of snap shots from the beginning of the program in progress, and when the user interacts with one of the shot (i.e., menu of shots), the user is presented with past video segment (summary), which is played on the larger window and once viewed the video is **rejoined in progress.**

Yeo further teaches presenting to a user past video segment (summary) from the interacted shot to the program in progress, but does not clearly teach where when a user interacts with a snap shot (requests for a summary of past video), the user is presented with synopsis of the program from a beginning of the program transmission until the identified clock time.

However, Yeo further discloses presenting past video shots of the beginning of the program in progress to the time of channel selection, and further disclose presenting past and future frames of shots to the user upon channel selection if the program is a pre-recorded program and not live. **Yeo further discloses that in an interactive playback environment, such as desktop or video streaming (Internet), the system employs summary-hyperlinking (upon request) and further disclose while viewing a current video, displaying at the same time summary of past and future shots of the same video or of another video program.**

Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yeo to display the past summary of the program being viewed from the beginning of the program transmission until the channel selection time, to aid the viewer to quickly ascertain the current plot or theme of the video program.

The modification of Yeo, is silent as to where the synopsis comprises text that summarizes the portion of the program that has been transmitted.

However, note the **Lawler** reference discloses an interactive program summary where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the input signal by the controller (abstract, figures 1-5, col.2, line 17-col.3, line 14, col.5, line 61-col.6, line 39 and col.9, line 56-col.10, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to provide additional information relating to the video to aid the user to quickly understand the content of the video and furthermore to assist the hearing impair to understand the video content.

As to claim 50, Yeo further discloses where the synopsis is provided via a second channel (col.4, lines 28-44).

As to claim 51, Yeo further discloses where the synopsis is presented in a fast-forward mode (col.3, line 27-col.4, line 4).

As to claim 52, Yeo further discloses the synopsis includes highlights of important

events (col.3, line 27-col.4, line 4).

As to claim 53, Yeo further discloses the program is a sporting event (col.2, lines 8-26).

As to claim 54, Yeo further discloses further comprising selecting the highlights from a number of predefined highlights(col.2, lines 8-26 and col.3, line 27-col.4, line 4).

As to claim 55, Yeo further discloses comprising streaming the synopsis for playback from a remote site (col.3, line 27-col.4, line 4).

As to claim 56, Yeo further discloses downloading the synopsis for playback from customer premise equipment (CPE) (col.3, line 27-col.4, line 4).

As to claim 57, Yeo further discloses comprising streaming the synopsis over a VOD channel (col.3, lines 6-22).

As to claim 59, Yeo further discloses providing the synopsis from a web page stored on a remote server (col.3, line 59-col.4, line 4).

As to claim 60, Yeo further discloses maintaining the channel selection for a predefined period of time before providing the synopsis (col.3, lines 6-22)

As to claim 61, the claimed "An apparatus for providing a synopsis for a program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 49.

Claim 62 is met as previously discussed with respect to claim 50.

Claim 63 is met as previously discussed with respect to claim 51.

Claim 64 is met as previously discussed with respect to claim 60.

As to claim 65, the claimed "An apparatus for providing a synopsis for a program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 49.

As to claim 66, **Yeo** further discloses in figures 1-4, a system for broadcasting television programs, the system comprising:

A broadcasting element (Server 401/402) for broadcasting television programs over a number of channels;

A source (Server 401/402) for broadcasting synopses of the programs over a number of other channels (col.4, lines 28-44), where the source broadcasts the synopses on-demand when a channel having a synopsis is selected after transmission of the program has begun, the synopsis summarizing the program that was transmitted prior to selecting the channel (figs.1-4, col.1, line 47-col.2, line 27, col.3, line 23-col.4, line 4, line 28-col.5, line 5 and col.7, lines 19-43), note Yeo discloses transmitting live and pre-recorded programs and further disclose that when a user selects a channel of a current broadcast program in progress, the user is presented with a menu of snap shots from the beginning of the program in progress, and when the user interacts with one of the shot (i.e., menu of shots), the user is presented with past video segment (summary), which is played on the larger window and once viewed the video is **rejoined in progress**.

Yeo further teaches presenting to a user past video segment (summary) from the interacted shot to the program in progress, but does not clearly teach where when a user interacts with a snap shot (requests for a summary of past video), the user is

presented with synopsis of the program from a beginning of the program transmission until the identified clock time.

However, Yeo further discloses presenting past video shots of the beginning of the program in progress to the time of channel selection, and further disclose presenting past and future frames of shots to the user upon channel selection if the program is a pre-recorded program and not live. Yeo further discloses that in an interactive playback environment, such as desktop or video streaming (Internet), the system employs summary-hyperlinking (upon request) and further disclose while viewing a current video, displaying at the same time summary of past and future shots of the same video or of another video program.

Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yeo to display the past summary of the program being viewed from the beginning of the program transmission until the channel selection time, to aid the viewer to quickly ascertain the current plot or theme of the video program.

The modification of Yeo, is silent as to where the synopsis comprises text that summarizes the portion of the program that has been transmitted.

However, note the **Lawler** reference discloses an interactive program summary where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the input signal by the controller (abstract, figures 1-5, col.2, line 17-col.3, line 14, col.5, line 61-col.6, line 39 and col.9, line 56-col.10, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to provide additional information relating to the video to aid the user to quickly understand the content of the video and furthermore to assist the hearing impair to understand the video content.

As to claim 67, Yeo further disclose where the source limits the synopsis to the portion of the program transmitted since a last time the channel was selected (col.1, line 47-col.2, line 27 and col.3, line 23-col.4, line 4).

As to claim 68, Yeo further discloses where the source generates the synopsis after the channel is selected (col 1, line 47-col.2, line 27 and col.3, line 23-col.4, line 4).

As to claim 69, Yeo further discloses where the source selects highlights included within the synopsis based on time-stamps associated with the highlights that correspond with time-stamps associated with portions of the program transmitted prior to selecting the channel.

Claims 70-71 are met as previously discussed with respect to claims 55 and 56.

As to claim 72, Yeo discloses receiving the menu within a video stream of the program and replaces earlier stored menu providing an outdated summary of the program, but silent as to where the menu is a text menu.

However, note the **Lawler** reference discloses an interactive program summary where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the

input signal by the controller (abstract, figures 1-5, col.2, line 17-col.3, line 14, col.5, line 61-col.6, line 39 and col.9, line 56-col.10, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to provide an updated additional information text relating to the video to aid the user to quickly understand the content of the video and furthermore to assist the hearing impair to understand the video content.

Response to Arguments

3. Applicant's arguments with respect to claims 49-57 and 59-72 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action, Applicant amends the claims and further argues that the prior arts of record do not teach the amended claims limitations (see page 6+ of Applicant's Remarks).

In response, Examiner notes Applicant's arguments, however as discussed above, Yeo discloses transmitting live and pre-recorded programs and further disclose that when a user selects a channel of a current broadcast program in progress, the user is presented with a menu of snap shots from the beginning of the program in progress, and when the user interacts with one of the shot (i.e., menu of shots), the user is presented with past video segment (summary), which is played on the larger window and once viewed the video is **rejoined in progress**. Yeo further teaches presenting to a user past video segment (summary) from the interacted shot to the program in

progress, but does not clearly teach where when a user interacts with a snap shot (requests for a summary of past video), the user is presented with synopsis of the program from a beginning of the program transmission until the identified clock time. However, Yeo further discloses presenting past video shots of the beginning of the program in progress to the time of channel selection, and further disclose presenting past and future frames of shots to the user upon channel selection if the program is a pre-recorded program and not live. **Yeo further discloses that in an interactive playback environment, such as desktop or video streaming (Internet), the system employs summary-hyperlinking and further disclose while viewing a current video, displaying at the same time summary of past and future shots of the same video or of another video program. Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yeo to display the past summary of the program being viewed from the beginning of the program transmission until the channel selection time, to aid the viewer to quickly ascertain the current plot or theme of the video program.** The amendments to the claims necessitated the new ground(s) of rejection discussed above. **This office action is made final.**

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Annan Q. Shang